



KSR 11/13/01 13:38  
3:01-CV-01777 SUSTEREN V. JONES  
\*14\*  
\*DECL.\*

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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
14

15 ADAM VAN SUSTEREN,

16 Plaintiff,

17 v.

18 BILL JONES, in his official capacity as  
California Secretary of State; MIKEL HAAS,  
19 in his official capacity as Registrar of Voters,  
20 Defendants.

CASE NO. CV 01-1777 BTM (POR)

DECLARATION OF MELISSA  
WARREN IN SUPPORT OF  
OPPOSITION TO MOTION FOR  
SUMMARY JUDGMENT

DATE: November 23, 2001  
TIME: 11:00 a.m.  
ROOM: 15

The Honorable Barry Ted Moskowitz

21  
22 I, Melissa Warren, declare as follows:

23 1. I am employed at the Office of the Secretary of State and have been for the  
24 last 21 years. For the last six years, I have served in the Elections Division, the last three as  
25 Manager of the Candidates and Elections program. I am responsible for the operations of the  
26 Candidates and Elections program and am responsible for the Secretary of State's duty for  
27 certification of state and statewide-level candidates who have met all of the requirements for  
28 ballot access.

1                   2.       There are three ways to seek nomination/election to the office for House of  
2 Representatives: (a) by filing a declaration of candidacy, nomination petition and filing fee as a  
3 partisan candidate representing one of the seven qualified political parties; (b) as an independent  
4 candidate; or (c) as a write-in candidate.

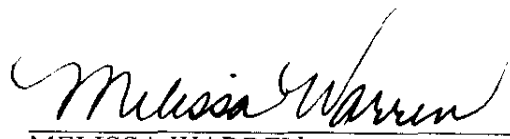
5                   3.       As a partisan candidate, Mr. VAN SUSTEREN fails to meet the  
6 requirement of Elections Code section 8001(a) (2) that he be disaffiliated from any other  
7 qualified political party for the twelve months preceding the close of the nomination period. The  
8 candidate qualification procedures, including the disaffiliation requirements established in the  
9 Elections Code, serve the State's interest in maintaining the integrity of the various routes to the  
10 ballot.

11                   4.       Elections Code section 8300, *et seq.*, provides a method for the  
12 nomination of non-partisan or independent candidates to partisan public offices. However, Mr.  
13 VAN SUSTEREN cannot now qualify as an independent because he failed to become  
14 disaffiliated from any qualified political party by October 5, 2001, as required by Elections Code  
15 section 8550(f).

16                   5.       Elections Code section 8600, *et seq.*, provides a method for nomination  
17 as a write-in candidate. Under these procedures, Mr. VAN SUSTEREN can file for any party's  
18 nomination.

19                   6.       I am aware of candidates who, because of the Election Code disaffiliation  
20 requirements or other defect in their filing process, have gone on to become write-in candidates.

21                   I declare under penalty of perjury under the laws of the State of California that the  
22 foregoing is true and correct of my own personal knowledge, and that, if called as a witness, I  
23 could competently testify thereto. Executed this 8th day of November, 2001, at Sacramento,  
24 California.

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26                     
27                   MELISSA WARREN  
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